

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MISSOURI**

In re:)
Michael Young)
Debtor/Movant) Case Number 11-48978
)
v.)
Cavalry Portfolio Services LLC)
Respondent)
)
Serve:) Motion to Avoid Lien
CT Corporation)
120 S. Central Ave)
NEW YORK NY 10001)

NOTICE AND MOTION TO AVOID JUDICIAL LIEN OF
Cavalry Portfolio Services LLC

THIS MOTION SEEKS AN ORDER THAT MAY ADVERSELY AFFECT YOU. IF YOU OPPOSE THE MOTION, YOU SHOULD IMMEDIATELY CONTACT THE MOVING PARTY TO RESOLVE THE DISPUTE. IF YOU AND THE MOVING PARTY CANNOT AGREE, YOU MUST FILE A RESPONSE AND SEND A COPY TO THE MOVING PARTY. YOU MUST FILE AND SERVE YOUR RESPONSE WITHIN 21 DAYS OF THE DATE THIS WAS SERVED ON YOU.

YOUR RESPONSE MUST STATE WHY THE MOTION SHOULD NOT BE GRANTED. IF YOU DO NOT FILE A TIMELY RESPONSE, THE RELIEF MAY BE GRANTED WITHOUT FURTHER NOTICE TO YOU. IF YOU OPPOSE THE MOTION AND HAVE NOT REACHED AN AGREEMENT, YOU MUST ATTEND THE HEARING, THE DATE OF WHICH WILL BE SENT TO YOU IF YOU FILE A RESPONSE. UNLESS THE PARTIES AGREE OTHERWISE, THE COURT MAY CONSIDER EVIDENCE AT THE HEARING AND MAY DECIDE THE MOTION AT THE HEARING.

REPRESENTED PARTIES SHOULD ACT THROUGH THEIR ATTORNEYS.

1. Debtor Michael Young commenced this case on August 22, 2011 by filing a voluntary petition for relief under Chapter 13 of the United States Bankruptcy Code.
2. The Court has jurisdiction pursuant to 28 U.S.C. Sec. 1334 to avoid and cancel the judicial lien held by Cavalry Portfolio Services on real property of the Debtor pursuant to 11 U.S.C. Sec. 522(f).

3. On or about April 27, 2011, Cavalry Portfolio Services obtained a judgment against the Debtor and obtained a lien against the Debtor's real property located at 704 Laurant Ave., Carthersville, MO 63830. The judgment is entered of record in 11PE-AC00060 - CAVALRY PORTFOLIO V MICHAEL YOUNG in the 34th Circuit in Pemiscott County, Missouri. The amount of the judgment is \$4,502.29 plus court costs and attorneys' fees, which constitutes the amount of the lien.

4. The fair market value of the real estate owned by Debtor and subject to the judicial lien is \$45,000.00.

5. The Debtor claims an exemption in the property referred to in the preceding paragraph in the amount of \$15,000.00.

6. At the time Debtor filed this bankruptcy petition, this real estate was subject to consensual mortgage lien(s) and other liens in the amount of \$58,744.00.

7. At the time Debtor filed this bankruptcy petition, the Creditor's judicial lien secured an indebtedness in the amount of \$4,968.00.

8. The existence of the lien of Cavalry Portfolio Services LLC on Debtor's real estate impairs exemptions to which the Debtor would be entitled under 11 U.S.C. Sec. 522(b). The applicable formula as set forth in Kolich v. Antioch Laurel Veterinary Hospital Inc. (In re Kolich), 273 B.R. 199 (B.A.P. 8th Cir. 2002) aff'd 328 F.3d 406 (8th Cir. 2003) is:

Creditor's Judicial Lien	\$4,968.00
Plus all other liens	\$58,744.00
Plus exemptions	\$15,000.00
Total	\$78,712.00
Minus value of land interest absent liens	\$45,000.00
Extent of Impairment	\$33,712.00

9. The extent of impairment exceeds the amount of the Creditor's judicial lien so that the entire judicial lien should be avoided.

WHEREFORE, Debtor prays for an order against Cavalry Portfolio Services LLC avoiding and canceling the judicial lien in the above-mentioned property to the extent of the lien impairs Debtor's exemptions, and for such additional or alternative relief as may be just and proper.

/s/ Sean C. Paul
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CERTIFICATE OF SERVICE

I certify that I have mailed a copy of this motion to parties listed below by first-class mail, unless otherwise indicated, on December 13, 2016 .

/s/ Sean C. Paul
Sean C. Paul, 59371MO

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